



## AGENDA

Date: 28 October 2016  
Boise Centre on the Grove

Boise, Idaho

6.75 hours of CLE approved by ISB, including 1.25 Ethics

[Click here to Register for the Boise Conference](#)

**8:00 a.m. Registration and Continental Breakfast**

**8:30 a.m. Welcome**  
[Chief U.S. Magistrate Judge Ronald E. Bush](#)

**8:35 a.m. State of the Judiciary**  
[Chief U.S. District Judge B. Lynn Winmill](#)  
[Chief U.S. Bankruptcy Judge Terry L. Myers](#)

**9:00 a.m. State of the United States Court of Appeals for the Ninth Circuit**  
[Chief Judge Sidney R. Thomas](#) of the Ninth Circuit Court of Appeals

**9:30 a.m. Plenary Session: A Chamber's Perspective on the Federal Rule Changes**  
[Chief U.S. District Judge B. Lynn Winmill](#)  
[Staff Attorney Dave Metcalf](#)

Judge Winmill and Mr. Metcalf will address the efforts being made in chambers to implement the 2015 amendments to the Federal Rules of Civil Procedure. What works? What needs to be changed? This will be a discussion rather than a lecture -- suggestions for improvement will be welcomed.

**10:30 a.m. Morning Networking Break**

**10:50 a.m. Plenary Session: Preserving and Successfully Presenting Federal Appeals**

Moderator: [Lawyer Representative Nicole C. Hancock](#)  
[Chief Judge Sidney R. Thomas](#) and [Judge N. Randy Smith](#) of the Ninth Circuit Court of Appeals  
[Syrena Hargrove](#) (Civil and Appellate Chief of the U.S. Attorney's Office for the District of Idaho)  
[Debora K. Kristensen](#) (Partner, Givens Pursley LLP)  
[Jessica M. Lorello](#) (Deputy Attorney General, State of Idaho)

Judges Thomas and Smith will provide perspective from the bench, and appellate practitioners Ms. Hargrove, Ms. Kristensen and Ms. Lorello will provide practical tips and links to resources, that will identify best practices for achieving successful appeals. Topics will include preserving appellate issues at the district court level, from discovery through trial; persuasively briefing appellate arguments; and mastering oral argument skills, from knocking softball questions out of the park to properly addressing the weaknesses in one's own appeal. The panel's collective decades of appellate

experience will provide the guidance you need to craft a winning appellate argument.

**12:00 p.m. Luncheon (including a presentation by J. Walter Sinclair, Partner, Holland & Hart LLP, and President of the Idaho Chapter of the Federal Bar Association)**

**1:00 p.m. Break-out Sessions**

**#1: What You Don't Know About Intellectual Property That Can Hurt Your Clients**

Moderator: [Lawyer Representative Howard D. Burnett](#)  
[Bradlee R. Frazer](#) (Partner, Hawley Troxell Ennis & Hawley LLP)  
[Ryan McFarland](#) (Partner, McFarland Ritter PLLC, and General Counsel of Scentsy, Inc.)

Almost all Idaho federal court practitioners know *something* about copyrights, patents, trademarks and trade secrets. But it's what you *don't* know that can hurt your clients and cause them to suffer lost rights and lost causes of action. This is especially true if your clients use the Internet, because that's where many rights are lost. Mr. Frazer and Mr. McFarland will discuss key intellectual property law topics for federal court practitioners, focusing on issues that general practitioners need to recognize and understand in order to protect their clients both on and off the Internet. Mr. Frazer will provide an overview of patents, trademarks, copyrights and trade secrets as creatures of federal law, and will discuss the new federal Defend Trade Secrets Act. Mr. McFarland, an experienced litigator, will discuss federal court jurisdiction, pleading, discovery and motion best practices and pitfalls in protecting a client's valuable intellectual property.

**#2: False Statements and Financial Fraud: White Collar Crime -- A Primer on Risk and Prevention**

Moderator: [Lawyer Representative Lori A. Nakaoka](#)  
[Wendy J. Olson](#) (U.S. Attorney for the District of Idaho)  
[Charles F. Peterson](#) (Criminal Defense Attorney)  
[Raymond E. Patricco](#) (Assistant U.S. Attorney for the District of Idaho)  
[Celeste K. Miller](#) (Partner, McDevitt & Miller LLP)

Are your clients unknowingly committing acts that may violate federal law? This panel discussion is for civil practitioners representing clients who contract with the federal government or do business that may fall under federal criminal jurisdiction. The panel will discuss white collar crimes most commonly prosecuted in federal court. Among the questions to be addressed: What are the present areas of emphasis from the Department of Justice? What types of cases does the Idaho U.S. Attorney's office most commonly see? What traps for the unwary lurk in the background? What are the best preventative and protective measures civil practitioners can take to assist their clients in complying with federal criminal laws?

**2:10 p.m. Afternoon Networking Break**

**2:30 p.m. Plenary Session: A Lawyer's Life Cycle of Professional Responsibility**

[Don Burnett](#), Professor Emeritus and Past Dean of the University of Idaho College of Law

Professor Burnett will examine recent regulatory and case law developments in ethics and the law of lawyering on issues encountered during the trajectory of a professional career. Specific topics will include advertising and social media, relationships between lawyers and their prospective or actual clients, managing conflicts of interest in a

burgeoning professional practice, duties owed to courts and other tribunals, ethical considerations in mediation and transactional practice, transitions between public-sector and private-sector work, and protection of client interests at the conclusion of a practice.

**3:45 p.m. Plenary Session: Judges' Panel -- Tips from the Bench, and Questions and Answers**

Moderated by the Lawyer Representatives, the always-lively Judges' Panel will provide a forum for the members of the federal judiciary to offer their perspectives on questions of substance and procedure in the practice of law before the District Court, the Bankruptcy Court and the Court of Appeals for the Ninth Circuit, and to engage in question-and-answer exchanges with the conference attendees.

**5:00 p.m. Closing Remarks and Adjournment**